

Previous references.
No 234-03 38-1
2 198-05 38-2
2 312-05-06 38-1-2

File No. 39-11

190-12
(Cenl. Misc.)

Serial Nos. 35-76

Later references.
No 238-12 38-1-3
2 207-13 - 1-2

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 35-76

Part B. for November 1912

SUBJECT.

Grant of a personal allowance of Rs. 100/-
to Mr. S.M. Narasinga Rao, B.A.-B.L., Subordinate Judge.

G. R. S. 58

H. N. K. S. Rao

Serial
No.

G.O. Letter dated 14th April 1912, from
Mr R.B. Phummer, S^r Judge Mysore, forwarding
a letter from Mr D.M. Narasimha Rao, enclosing
a 'note of arguments' in connection
with the memorial referred to above.

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The representations of Mr. Narasingan, ~~as~~ set forth in his memorial, are as follows.

By Govt. Order No. H. 2374 dated 29th Feb 1904, he was appointed Registrar of the Genl & Rev Sectt, in the special grade 400-40-600, the ordinary grade fixed for the Registrar being 300-30-600. Subsequently the grade pay fixed for the Registrar was reduced, and Mr. Narasingan was sent out as Subordinate Judge on a pay of Rs 450 + 50 h.a. by Govt. Order No. H. 8691 dated 19th June 06. ~~His~~ ^{the} pay was fixed at 450 + 50 (h.a) as he had earned two increments in his appointment as Registrar at the time and was drawing Rs 480/-. Subsequently in April 1907 a place was assigned to him ^{among} ~~as~~ Asst. Commrs., in the reorganization of the Civil Service, by Govt. Order No. 6027-99 dated 2nd April 07, and ~~in accordance~~ ^{following} ~~with~~ the rank therein assigned, he has by the recent order of Govt., No. 4823 dated 12th March 1912, been temporarily promoted to the grade of Senior Asst. Commr.

Now, Mr. Narasingan says

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he has suffered grave injustice in two respects by the orders ^{of foot-} which sent him out as a Sub-Judge, and assigned to him a place among Asst.-Couns.

Firstly, ~~by the orders~~ he says he was given a ~~place~~ rank "22 places below what he would have deserved, had the pay which each officer drew just prior to the re-organization been taken as the guiding principle, instead of the point of time when each officer reached the pay of Rs 450/-." Secondly, the foot. order did not allow him to draw ~~for~~ his grade pay over Rs 500/- in the form of personal allowance, though certain others holding graded appointments like himself were allowed to draw the increments attached to the special grades, as personal allowances.

These are his grievances, but he says he does not ask for any relief as regards his loss of rank, ~~because the~~ ^{because of} various administrative changes in the cadre ~~that~~ have taken place subsequent to the re-organization order of April 07. So, it is unnecessary to enter into a consideration of this matter.

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though it ~~can~~ ^{may} be ~~noted~~ ^{noted} that ~~many of the officers who were affected by the re-organization Order have affected many others in the same manner, but the principle adopted in classifying the different officers and fixing their ranks, must be accepted.~~

It is with respect to his second grievance that Mr. Narasinga Rao now asks for relief. He argues that the special grade of Rs 400-40-600 having been conferred on him, its benefit cannot be denied to him by the subsequent change of his appointment, and he therefore prays that the increments in the special grade, as they fell due, may be allowed to him, which would, ~~as per~~ ^{according to the} calculations noted at para 12 of the memorial, entitle him to draw ~~so~~ arrears of emoluments amounting to Rs 3583 up to 24th June 1911, the date of his appointment as of Senior Asst. Commr.

As regards this request, it is only necessary to mention the following points. The comparison with ^{five} others who were allowed to earn

* Presumably, Messrs. Mr. Shama Rao, Mr. Krishna Rao, Mr. Rajagopal, Mr. Shrihari Pant & Lakshminarayana Rao.

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the increments of their special grades, as personal allowances, does not hold good. These officers continued to remain in their appointments the pay of which, unlike the Registrars, remained unaffected. Mr. Narasingham no longer continued to hold the special appointment in which the experience which he had gained in Simla had to be brought into action by him at every step of progress of the reform conceived and based on those lines? Further, ~~as the same is disclosed~~ if Mr. Narasingham's D.O. letter of the 7th June 06 to Mr. Chandra Sekhara Iyer (Secy), copy of which forms Enclosure B to the memorial. The ~~letter~~ states that, at the time, the Dewan "very kindly gave Mr. Narasingham the option to continue to hold his present appointment on the existing terms, with the stipulation that he should have no claim on the general service for advancement." ~~as the same is disclosed~~

may be referred to, it is evident that he could not claim both the special grade, and advancement in the general line. Mr. Narasingham has earned the latter and his prospects in the general service being secure, it is clear that he can not ~~be~~ claim the benefit of the other alternative also.

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~~On 14th April 1914, Mr. Narasingham has submitted a 'note of arguments' for the consideration of Govt. In that 'note on the memorial' he discusses the provisions of the Service Regulations in regard to the effect of the abolition of an appointment on the officer holding it, and cites certain instances in which certain officers have been treated ~~more~~ advantageously under ~~similar~~ conditions similar to his own. It appears needless to go into the question of the provisions of the Service Regs., as ~~that~~ ^{Mr. N. Rasi's case} was not apparently ~~solely~~ ^{solely} dealt with on these considerations. As regards the ~~cases~~ ^{particular instance} cited, it may only be mentioned that each case appears to have been decided on its merits, and no general ruling could be inferred from them. Besides, all these appointments fall outside the cadre of the Civil Service, ~~for~~~~

B'

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to which Mr. Narasimhan belongs, and which is governed by certain defined Standing Orders.

For these reasons, Mr. Narasimhan's claims do not seem to be well founded and his requests capable of compliance.

The Financial Branch may also, perhaps, be requested to note on the Memorials and on the merits of arguments submitted ^{by Mr. N.} in connection with it.

Secretary)

82
11.5.12

The opinion of Br II may be taken.

CB
13/5/12

HC No 1109

To Br II 100
13/5/12

Submitted for orders.

14.5.1912

In the Note articles 296 to 306 of the M.S.R. relating to ~~the abolition of the~~ ~~appointment and~~ Compensation pension due to the abolition of an appointment are discussed but Mr. N. Dan himself points out, these are not applicable to the case of a Cared-off officer who belongs to the Public Service, apart from his particular local appointment [article 300].

She has fixed for him as Registrar G.R.S.

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was 400-40-600. Though the pay is in one
sense personal (as other persons appointed as Ryots
would not get it), ^{yet} ~~but~~ it cannot be stated
that he would get the increments wherever he
maybe working. A ~~fixed~~ periodical increment
is earned ~~to~~ by service in ~~the~~ ^{the} particular
appointment and is not necessarily earned
by service elsewhere unless the Govt. specially
~~decide that~~ allow it. If as the Administrative
Branch says, the increments were to be given
for his experience gained at Simla being put
in action at every step of the proposed ~~work~~ the
reform in the Secretariat, he is ~~not~~ strictly speaking
entitled to the further increments ~~when~~ after his
transfer from the Secretariat. The remarks
against the names of ~~the~~ ~~not~~ ^{marginally noted} ~~comp~~ the Officers in
the No. of the 2nd April '07, to the effect that such
Officers would get their increments only as long as
they worked in the Accts office or as Accts Secy, also
support this view. The increments given to them were
conditional and Mr N. Rau's ^{claim to} increment should also
be governed by the same principle (provided of
course that it is not treated as 'personal' in
all respects).

But though this is the strict ~~view~~ ^{view}
under which he cannot claim such increments by right;
yet it is open to Govt to allow them, if it is

Mr Satharaj Chetti
Mr B. M. Panth Pradani
Mr Lakshmi Narayan Pradani
Mr Krishna Rao

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considered that the work in the new appointment is not of such a character as would disentitle one ~~from~~ the service from counting towards increments as in the cases of Messrs Venkatasami Naider & B. Krishna Rao pointed out by him.

An officer cannot claim a vested interest in any appointment as his lien on the appointment is always subject to 'the interest of the public service' [article 19.] But it is a part of the interest of the public service that an officer should be allowed to select his successor in office, and that he should be allowed to select his successor in office, and that he should be allowed to select his successor in office.

le

WV

Submitted.

15.41 Secy)
17-5-1912.

$$\frac{602}{17.5.12}$$

G.M File No. 39 of 1911-12

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No.

There is little to add to his above notes of his duties & his financial assistants.

Mr Narasimha Rao cannot reasonably complain about his place assigned to him among Assistant Commr, as there is no reason why in consequence of his special appointment as Deputy ^{at the time} ~~for the time~~ ~~he should be~~ ~~superior to his officers~~ he should, when he reverted as assistant commissioner, be placed ~~high~~ above his ~~and~~ officers who were senior to him in his assistant commr line before his appointment as Deputy. Mr Narasimha Rao is kindly & apparently aware of his ~~weakness~~ weakness & his representation in this respect and this is why he has wisely refrained from urging it.

As regards his claim put forward by Mr Narasimha Rao, to have ^{special} his ~~scale~~ ~~grade~~ of pay ~~as he was~~ which was sanctioned to him as Deputy continued to him, ~~as salary~~ in his form of allowance in add^{ition} to his pay, after his reversion as Assistant Commr, Mr Narasimha Rao

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109

cannot ask for it as a matter
of right. though it is open to
him for the sanction ~~him~~ as an act
of grace; such personal allowance
as they may consider reasonable
proper in his circumstances of
the case.

I regret the delay in the
submission of this file in

1st Annular

2 Dewan.

W.S.

15/8/12

634

In the f.d. 24th 1907 (W) it is
stated that Officers ^{in grades of} ~~receiving~~
progressive pay may be allowed
to draw increments attached
to high grades. Mr. Nara-
Sunga Rao does not seem to
have accepted the change as
beneficial to him. ~~But~~ I
am inclined to think that he
is entitled to what he claims,
though the claim is a belated
one. The explanation for the
delay is not sufficient.

3076
24-8-12

NOTE Contn. sheet.

22/8/12
I agree with

G. R. S. 12]

General and Revenue
Secretariat.

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The 1st Connection -
Please circulate to
the 2nd Connection for his
opinion. 19 Dec 12

2nd Connection

23
21/9/12

no doubt the representation is
belated, but I am unable to
~~withhold~~ see no reason to
withhold an increment which
was sanctioned to S. S. S. S. S.
now in view of his services in
the reorganisation of Secretariat
i.e. in view of his past services.
As he did not continue to hold
that appointment, I am inclined to
think that as a special case, he
may be given the increment.

NOTE - Contn. sheet.

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No.

on due dates as payable for &
the ~~excess~~ amount - one & above
his pay master as personal
advance. *[Signature]*

22/9/12

Dewan.

23
23/9

3565
24.9.12

Submitted to His Highness.

I submit for the orders of His Highness a representation (dated 20th March 1912) from Mr. D.M. Narasinga Rao B.A., B.L., Subordinate Judge of Mysore, claiming as personal allowance the difference between the pay he should have drawn as Registrar of the General and Revenue Secretariat on the special grade of Rs.400-40-600 and the salary he has been drawing in the capacity of a Subordinate Judge and Assistant Commissioner after leaving the Secretariat.

2. In Government Order No.G.5218-57 dated 14th April 1904, the office of the Registrar of the General and Revenue Secretariat was created with the rank of a gazetted officer and with pay of Rs.300 rising by annual increments of Rs.30 to Rs.600. Mr. Narasinga Rao who was then Extra Assistant Commissioner, fourth class (Rs.300), was appointed as Registrar of the newly reformed General and Revenue Secretariat. In consideration of his special services the scale of Rs.400-40-600 was sanctioned in his behalf and he was placed in that special grade. It would be even more correct to say that Mr. Narasinga Rao's appointment originated with, as it certainly took effect

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under, Government Order No.F1.2374 dated 29th February 1906

3. Mr. Narasinga Rao accordingly earned as Registrar of the General and Revenue Secretariat two increments and thus began to draw Rs.480 from 29th February 1906.

4. Subsequently in Notification F1.8691 dated 19th June 1906, he was appointed Subordinate Judge, third class, and posted to Chickmagalur. The "Civil Service" was at the same time reorganised (vide Government Order No.F1.8694 dated 28th June 1906) under the scheme of which Sub Judges were amalgamated with Assistant Commissioners, and Extra Assistant Commissioners were amalgamated with Schedules A and B. In these re-arrangement of names, Mr. D.M. Narasinga Rao was placed in first class, Schedule B, on a salary of Rs.450+50 personal allowance - vide Government Order No.G.6027 dated 2nd April 1907.

5. Mr. Narasinga Rao has continued to be on this salary. He was temporarily promoted to the grade of Senior Assistant Commissioner in Government Order No.G.4823 dated 12th March 1912; but the promotion has not resulted in any increase to his emoluments, because the personal allowance came to be absorbed in the higher pay of Senior Assistant Commissioner.

6. Mr. Narasinga Rao now represents that "a great and unmerited hardship" has been inflicted upon him in his having been denied the increments which should have accrued to his

salary if he had continued as Registrar and, for reasons mentioned at para 11 of his letter, he seeks the sanction of Government for the admission of his claims for the increments which should have fallen due if he had not been disturbed.

7. The net result of such an admission would be to grant him a sum of Rs.3,583 as arrears of salary up to 24th June 1911, and the grant from that date of a personal allowance of Rs.100 per mensem in addition to his pay as acting Senior Assistant Commissioner.

8. With his D.O. letter dated 14th April 1912, Mr. Narasinga Rao has submitted a further note of arguments bearing upon his case, and has cited also analogous instances of certain officers of Government who were transferred from one grade and class of appointments carrying a progressive scale of pay to another with a fixed pay, and were allowed in the latter to draw the increments which would have accrued in the former.

9. The Financial Department is of opinion that "though Mr. Narasinga Rao cannot claim such increments by right, yet it is open to Government to allow them, if it is considered that the work in the new appointment is not of such a character as would disentitle the service from counting towards increments" This condition may indeed be conceded.

10. The First Councillor is "inclined to think that he (Mr. Narasinga Rao) is entitled to what he claims though the

claim is a belated one" and that the explanation for the delay (given at para 10 of the memorial and para 7 of the further note) is not sufficient. In this view the Second Councillor also concurs and he is of opinion that there is "no reason to withhold an increment which was sanctioned to Mr. Narasinga Rao in view of his services in the reorganization of the Secretariat i.e. in view of his past services"; and that "as a special case he may be given the increments on due dates as prayed for and the amount over and above his pay treated as personal allowance".

11. I agree with the above view of the Councillors. It appears to me that Mr. Narasinga Rao has valid grounds for complaint as regards the prejudicial effect of his transfer from the post of Registrar in the Secretariat. In the circumstances of the case, it seems to me that the claims now put forward may graciously be admitted at least so far as to allow that a personal allowance of Rs.100 be given with effect from 24th June 1911 in addition to his pay as acting Senior Assistant Commissioner.

12. If His Highness be so pleased as to direct that the objection on the score of delay in representation may be waived, then the full concession of Mr. D.M. Narasinga Rao's claim can be sanctioned as earned by an officer of great talent and industry.

7-12-39

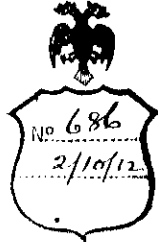
13. In his representation Mr. Narasinga Rao alludes also to his rank in the gradation list of Assistant Commissioners published in Government Order No.G.6027-99/G.M.12-06-50 dated the 2nd April 1907, and questions the correctness of the principles adopted, and contends that by virtue of the pay he was then drawing his place should have been some 22 points above where he was placed. The opposite view has been more than once affirmed by the Government and Mr. Narasinga Rao does not seek for any relief on this score.

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I Mauda R
2 Dec 39

Record of Cases submitted for the Orders
of His Highness the Maharaja

Subject.



Representation from Mr. D.M. Narasingsa Rao B.A., B.L., Subordinate Judge of Mysore, claiming as personal allowance the difference between the pay he should have drawn as Registrar of the General and Revenue Secretariat on the special grade of Rs. 400-40-600 and the salary he has been drawing in the capacity of a Subordinate Judge and Assistant Commissioner after leaving the Secretariat.

Returned with D.O. No. 151

to 7.10.12

Order.

General and Revenue
Secretariat.

File No.

39

of 1911-12

Serial
No.

7r/057



The Palace, Mysore,

7th October 12.

My dear Sir,

I am directed to return File No. 686 dated 2-10-12 and to say that His Highness agrees that Mr. D. M. Narasinga Rao has a legitimate grievance.

His Highness considers that equity will be satisfied by granting him a personal allowance of Rs. 100/- in addition to his pay as acting Senior Assistant Commissioner with effect from June 24th 1911.

Yours sincerely,

T. Ananda Row Esq., C.I.E.,

Dewan of Mysore, Bangalore.

Serial
No.

Draft order put up for approval.
 The order ~~is~~ passed in the file
 is to the effect that Mr. D. M. N.
 may be granted "a personal all^{ce}
 of Rs 100/- in addition to his pay
 as 1st Sen^r Asst Comr, with effect
 from 24th June 1911." In the draft
 order it is made clear that the
 all^{ce} of Rs 100/- has to be reduced
 and finally absorbed ^{in the pay} as the incre-
 ments are earned by Mr. D. M. N.
 in the Sen^r Asst. Comr's grade, in
 accordance with the rules, vide
 Art. 44 M. S. R. This is also
~~indicated~~ ~~contd~~ mentioned in
 Mr. Karasungarai's prayer itself
 in the Memorial. vide para 12
 (a), ~~11th~~ ~~on~~ pages 7 & 8 of Memorial.

The file has not been seen
 || by the Financial Secretary.

Secretary.

102
 16.6.12

1st councillor

23
 24/6/12

Draft appd. by 1st Councillor
 M.H. 6.11.12

NOTE—Contn. sheet.

G. M. File No. 39 of 1911-12

Serial
No.

6097

May the draft issue?
SubmittedV.S. 41 Secy) $\frac{102}{6.11.12}$

6-11-1912.

certainly - I don't see why
any doubt should have been felt. $\frac{102}{6.11.12}$
this B. R. H.

76. To the Repr. Chief Court & Comptroller, A. S.,
G. 2436-7 d/ 7.11.12 - Sanctions a per-
sonal allowance of Rs 100 p. m. to Mr. D. N. Kara-
singh Rao, in addition to his pay of Rs 500 p.
as Asst. Senior Asst. Comr., with effect from the
24th June 1911, the said personal allowance being
reduced & finally absorbed in his pay as the in-
crements ^{are} earned by him in the Senior Asst. Comr.'s
grade

Rev. B.
12.11

411/Rev. 25.9.12
samy.
1911 HARY NO. 4099
11-1912

From

The Registrar of the
Chief Court of Mysore.

To

The Secretary to the Government
of Mysore, Genl. & Rev. Depts.

Dated 23.3.12

Despatched — 10 —

Received

General No. 3614
No. 266

Enclosure No.

Forwards the repre-
sentation made by Mr. D.
Narasimha Rao, Sub Judge
of Mysore to the Govt.
of H. H. the Maharaja
of Mysore.

DIARY No.....

19 -19
SECTION
FILE No.
DATE

To

The Secretary to the Government
of H. H. The Maharaja of Mysore,
General and Revenue Departments,
Bangalore.

(Through the Chief Court.)

Sir,

76 26

With reference to the Government
Notification, No. G. 4823-G.M. 39-11-28,
dated 12-13th March 1912, temporarily promoting
me as Senior Assistant Commissioner, from the
29th June 1911, I beg to state that a suitable occasion
for representing the great and unmerited hardship
that I have been subjected to has now arisen and
that I respectfully submit this humble representation
to the Government of H. H. The Maharaja with
the firm hope that the wrong done to me will be
graciously redressed to the fractional extent
herein solicited. I may point out at once
that one of the consequences of the treatment meted
out to me is to render the present promotion

promotion nominal in character as my salary has been Rs 500/- per mensem for years past.

Z

2. In Proceedings no. G 5218-57 dated 14th April 1904, the Government ordered the permanent provision for a Registrar of the General and Revenue Secretariat with the status of an Assistant Secretary, the rank of a Gazetted Officer, and the grade pay of Rs 300-30-600. But in recognition of my humble services in connection with the reorganization of the local Secretariat, His Highness' Government were pleased to treat my case in a special manner by giving me the grade of Rs 400-40-600. Enclosure A contains the extracts from the Government order having an immediate bearing on these observations. It took effect from the 29th February 1904 as per Government order F.L. 2374, dated the 29th February 1904.

Y in Genl. M. File No.
234 of 1903-4

3. Subsequently the reforms sanctioned by His Highness' Government were fully introduced by me into the General and Revenue Secretariat, and I had earned two increments when, in anticipation of the reorganization of the Civil Service, the grade pay of Registrar was reduced and I was appointed a Subordinate Judge on

on a pay of Rs 450/- plus a personal allowance of Rs 50/- in Government order No. FL 8691 dated Cto 313-05-1 The 19th June 1906 and No. FL 8694 dated The 19th June 1906.

FLX

H. W. spare copy
sent up

4. Subsequently, in April 1907, The Civil Service was reorganized in Government order No. G. 6027-99-G. M. 12-06-50 dated the 2nd April 1907, wherein a place was assigned to me, 22 places below what I would have deserved had the pay which each officer drew just prior to the re-organization been taken as the guiding principle instead of the point of time when each officer reached the pay of Rs 450/-. As a consequence, 22 officers who drew less pay at the time than myself went above me in this manner, many of whom such as Messrs M. A. Narayana Iyengar, G. Sravamada Iyengar and Belavadi Rama Swamayya had put in less service than myself and were at one time drawing even less pay than myself.

5. In another vital manner, pertinent to this reference, did the re-organization order affect me. Because, it did not allow me to draw my grade pay over Rs 500/- in the form of personal allowance, though five others then holding graded appointments like myself were allowed to draw the increments attached to the special grades as personal allowances. In fact Clause 3 of

of para 3 of the Government order provided as follows:—

"Officers who are already in special grades carrying a progressive scale of pay may be allowed to draw the increments attached to such special grades, the excess at any given time above the pay of the class of Assistant Commissioners in which they are placed being treated as personal allowance."

6. As soon as I learnt that I was to be appointed Subordinate Judge on a pay of Rs 500/- per mensem (but that that pay would not fix my place in the cadre, I communicated my objection against the proposal to the Secretary. (Vide Enclosure B - copy of my letter to the then Secretary). Notwithstanding this objection it was decided that my pay was to be only Rs 450/- with a personal allowance of Rs 50/- and that I should be sent out as Sub Judge. This letter, written at the instance of the then Dewan, only served to impair my position to a greater degree since the original proposal to give me the pay of Rs 500/- as Subordinate Judge, 2nd Class of the old scale, was revised as stated above.

7. Such a treatment of an officer that had admittedly done some special service, however humble it might have been, (Vide enclosures A and B.) could not but have caused me much pain and disappointment. Immediately on

78 V

on receipt of the Government order referred to in para 3 above, intimating to me my appointment as Subordinate Judge on 450 + 50, I reaffirmed my objection to the arrangement and said I would represent my unfortunate case in due course for reconsideration (Vide copy - enclosure D whose original must be with G. No 6406 - G. M. 190-05-11.)

8. Enclosures B and D are referred to here in order that it may be made clear that I never acquiesced in the arrangement made by the Government so far as it concerned me and, further, that I objected to it, reserving my representation for a reconsideration, which I beg to submit at this suitable opportunity.
9. To begin with, I may clearly state that I do not now ask for any relief as regards the loss of 22 places by me. Owing to various administrative changes in the cadre that have taken place subsequent to the re-organization order of 2nd April 1907, I admit I cannot directly ask for a restoration to my proper place. Yet, this loss is relevant for a general consideration of my case.
10. The claim to increased personal allowance, however, stands on quite a different footing according to my humble submission. It does not affect the cadre or any member of it. It is a question only between me and the public treasury.

Hence lapse of time, due to an expectation of a suitable opportunity, can be no valid objection against the claim, if it is otherwise admissible, especially in the absence of any law or order prescribing a time limit for the same.

11. I now proceed to advance my reasons for claiming the grade pay over Rs 500/- as personal allowance. They are as follow. -

(a) The grade of 400-40-600 having been conferred on me, its benefit could not be denied to me afterwards as it became vested in me and so it was permanent.

(b) That grade was given to me personally in return for special services already done (Vide the terms of enclosure A).

(c) The reduction of the graded scale of an ordinary Registrar in Rs 300-30-600 should not have therefore affected me pecuniarily.

(d) The re-organization of the Civil Service should not have prejudiced me since I was reluctant to abide by it and I had already a place in the general line, having been an Assistant Commissioner.

(e) My case is similar to the five in which the grade pay was earned by the officers concerned as personal allowances, notwithstanding the revision. (Vide G.O. G.6027-99-G.M. 12-06-50 dated

dated the 2nd April 1907.)

- (f) It is true that they continued to do similar work even afterwards; but this became possible in their case as the Government allowed them the opportunity to do so: whereas it was denied to me though I offered to do the work for which the grade might possibly be said to have been intended. If the Government chose to separate me from that work against my will and without any just cause on my part, as actually happened, I respectfully submit that it would be inequitable to visit me with any punishment on that score.

12.

In the above circumstances I beg that His Highness' Government may be graciously pleased to admit my claim which humbly and respectfully demands nothing more than what was graciously given to me, and to allow me to draw the following emoluments:—

- (a) A personal allowance of Rs 100/- per mensem in addition to my pay of Rs 500/- per mensem as Senior Assistant Commissioner, from the 24th June 1911, the date of my promotion to the rank of Senior Assistant Commissioner. The

8

The increments of pay to be earned by me as such will, as per standing rules serve to reduce the personal allowance pro tanto.

(b) The total amount of Rs 35⁸³/₁₀₀ representing the emoluments due to me under my grade up to the above date of 24 June 1911 as shown below: —

(i) Excess personal allowance at Rs 80/- per mensem from 29th February 1907 to 29th February 1908; as my pay would have been Rs 520/- per month as against the salary of Rs 500/- per month drawn by me Rs 240/- . . . Rs 2800

Deduct Rs 160 at 20 Rs per mensem all owed to me in excess of Rs 480/- which would have been my pay from 1st July 1906 to 29th February 1907 according to my grade

Balance due to me up to 29th February 1908 is Rs 80/-

(ii) Excess personal allowance at Rs 60/- per mensem from 29th February 1908 to 29th February 1909 Rs 720/-

and (iii) Ditto at Rs 100/- per mensem from 29th February

9

February 1909 to 24th June

1911 Rs 2783

Total Rs 3583

I beg to remain,

Sir,

Your most obedient servant,

20th March 1912 }
Mysore . }

D. M. Narasimha Rao
Subordinate Judge,
Mysore.

A.O. 3592 Enc: 5.
543

21.3.12
2032

Forwarded to the Secretary to Government
General Revenue Department

(Thro. the Chief Court) with the remark

that the undersigned has had Mr. D. M. Narasimha
Rao under him as Subjudge in Chikmagalur
(1906) Shimoga 1908-9 & Mysore (1911.12)
& for a total period of nearly 4 years he has
seen his judicial work - He has invariably
found him a most willing, conscientious,
methodical worker - with a good grasp of
legal principles & with marked judicial
abilities & acumen - besides being a most
competent controller & director of his office.

Through all these years he has worked
 cheerfully well in spite of the
 undoubted grievance disclosed
 in this representation - The undersigned
 therefore, while gladly forwarding the
 representation with the above opinion
 of Mr. S. M. Narasimha Rao's good
 judicial work, ventures to add
 his hope that this representation
 may be favourably considered &
 so far as is found possible, may
 be granted.

$$\frac{3617}{266}$$

Mysore }
 21 $\frac{3}{12}$ /

R. B. Kumar.
 District Judge

Forwarded

Chief Court }
 Bangalore 23 March 1912 }
 23rd }
 - Raja N. S. S. S. }
 Registrar.

Enclosure A

Proceedings of the Government of His Highness
The Maharaja of Mysore.

Read the following:—

- (1) The Diaries of Mr. D. M. Narasinga Rao, forwarded from Simla.
- (2) His notes on the system of work in the Department of Revenue and Agriculture, Government of India.
- (3) His report on the re-organization of the General and Revenue Secretariat.

No. G. 5218-57, dated Bangalore, 14th April 1904.

+ + + + +
The permission of the Government of India was, accordingly, obtained to the deputation to Simla of Mr. D. M. Narasinga Rao, B. A; B. L., Assistant Secretary to Government to study on the spot, the methods followed in the Department of Revenue and Agriculture. Thanks to the courtesy of the Officers of that Department, Mr. Narasinga Rao was enabled to execute his mission with success and to obtain an intimate knowledge of the principles and practice of a representative Secretariat of the Supreme Government. On his return to Bangalore he was instructed to submit, for the information of His Highness' Government

it indispensable to appoint a Registrar, answering to the similar and invariable factor in the Government of India Secretariat machinery. Subject to the orders of the Secretary and the Deputy Secretary he will exercise disciplinary control over the entire office establishment. He will be chosen with special regard to business aptitude and punctuality and it will be his duty to see that the subordinates acquire the former and observe the latter. The Government further considered that in the matter of discipline, continuity of administration is of the utmost importance. Changes of Secretaries and Deputy Secretaries at comparatively frequent intervals are almost inevitable and some other and more permanent custodian of efficiency in the office must therefore be found. This will be supplied in the person of the Registrar, and the pay of the post has been fixed, mainly, with a view to securing in the first instance a competent officer and to retaining his services in the same capacity for a reasonably long period. In view of the Registrar's responsibilities his rank will be that of a Gazetted Officer. His pay will be Rs 300 rising by annual increments of Rs 30 to 600. In consideration, however, of Mr. Narasinga Rao's special services, the scale of Rs 400 - 40 - 600 was sanctioned in

in his behalf. The experience which he has gained in Simla has to be brought into action by him at every step of progress of the reform conceived and based on those lines.

+ + + + +

14. The Government of His Highness the Maharaja are pleased to place on record their appreciation of the services rendered by Mr. Narasinga Rao, who has executed a difficult task with a promptness and ability that argue well for his power to carry through the still more difficult one before him. On him and the Secretary lies the important duty of watching the working of the Establishment and of reducing it to the possible minimum consistently with efficiency in as short a period as possible.

+ + + + +

(Signed) L. Anantasaami Rao,
Offg. Secy. to Govt., Gen. & Rev. Depts

"Extract."

D. M. Narasinga Rao
Sub Judge, Mysore.

Enclosure B.

7. 6. 1906.

Sir,

At an interview which the Dewan was pleased to give me this morning, it was explained to me that my position in the General Service at the impending re-organization of certain branches of the public service, would not necessarily be regulated by the pay of Rs 500/- proposed to be given to me as a Sub Judge, but that all those who were seniors to me while I was an Extra Assistant Commissioner would still continue to be so. I pointed out to the Dewan that this would be most pre-judicial to me and he very kindly gave me the option to continue to hold my present appointment on the existing terms with the stipulation that I should have no claim on the general service for advancement. He graciously remarked that he was reluctant to disturb the order of things already settled.

As the Dewan was pleased to direct me to communicate my final views in

in the matter before this evening, I beg to say
that, in the circumstances mentioned above,
I do not want any change.

I beg that you will kindly place this
letter before the Dewan.

I beg to remain,
Yours most obediently,
(Signed) D. M. Narasimha Rao.

To

H. S. Chendrasekhara Iyer, Esq.

Copy

D. M. Narasimha Rao
Sub-judge, Mysore.

Enclosure C.

Proceedings of the Government of His
Highness the Maharaja of Mysore.

Order thereon No Fl 6099-100 dated,
Sd: Fin 83-05-4

Bangalore 19th March 1906.

In January 1905, Mr. D. M. Narasinga Rao was deputed to Madras, Calcutta and Allahabad to enquire into the working of the Revenue Boards.

2. After enquiry, he submitted a report in June 1905 for the consideration of His Highness' Government who are pleased to find that the report is thorough and characterised by great intelligence, industry, research and expedition.

The data which he has collected in his report and its appendices are of immediate and permanent value.

3. In recognition of his special services in this connection His Highness' Government are pleased to convey their thanks to Mr. Narasinga Rao and to

to sanction a bonus of Rs. 1500/- in his
favour.

+ + + + +

(Signed) B. K. Venkatavarada Sengar
Secretary.

To

The Comptroller to the Government of His
Highness The Maharaja of Mysore.

W. D. M. Narasimha Rao.

'Extract'.

D. M. Narasimha Rao
Sub Judge, Mysore.

Enclosure D.

(At 7.30 PM on 19/6/06)

Submitted

I have received⁺ the order of the Government appointing me a Subordinate Judge of the 3rd class, Supernumerary, with much pain and disappointment. I shall take an early opportunity of again representing my unfortunate case for the gracious consideration of the Dewan.

2. The casual leave of 5 days granted to me will expire today: and I shall, as authorized by the Mysore Service Regulation utilize the joining time admissible under the rules from today.

3. I have already handed over the charge of my office of Registrar.

(Signed) D. M. Narasinga Rao.

20th June 1906

To The Secretary.

"Copy".

D. M. Narasinga Rao
Sub Judge, Mysore.

Bangalore
14 th / 11

Dear Sir,

As requested by Mr. Narasinga
Rao I forward herewith his S/o
Note re his memorial

Yrs Sincerely

C. S. Balasubramanian Esq. R. H. K. K. K.
D.A.

Secy to the Govt. Genl. Rev. Dept.

I request you therefore,
to be so good as to forward to him
the accompanying demi-official
letter giving together with the

Secretary to the Govt, General & our name in the

Bangalore

14th April 1912

Bangalore

14/4/12

onal.

My dear Sir,

I called on Mr C.S.

Balasubramanya Iyer this morning
to show him my New arguments. see
He suggested that I might send it be
up demi-officially & that he would elating
place it in the file.

I request you therefore,
to be so good as to forward to him N
the accompanying demi-official Iyer
letter giving together with the

Secretary to the Govt, General & our main report.

Bangalore

14th April 1912

My dear Sir,

With reference to my Memorial dated the 20th March 1912 regarding the grant of increased personal allowance to me, I beg to submit herewith demeritically, a Note of arguments for the kind perusal and consideration of the Govt. of the Highness the Maharaja of Mysore. I request you to be so good as to place this Note in the file relating to my Memorial.

Yours Sincerely

D. M. Narayana Rao

Subordinate Judge

Mysore

C. S. Balasubudaram Esq B.A.

Secretary to the Govt, General Administration Dept.

Note on the memorial.

1. Articles 296, 299, 300 and 306 of the Mysore Service Regulations deal with the treatment of an officer liable to be discharged on the abolition of his appointment and lay down the following principles: —

Article 296 (a) An appointment is abolished when it wholly ceases or its pay is reduced as part of a general scheme of revision

— Do — (b) A suitable appointment must be found for its holder or a Compensation pension should be awarded.

Article 306. (c) When an appointment is offered after discharge, the salary of the new appointment must not be less than that drawn by the officer before it and it should ^{not} be such as the officer cannot reasonably and equitably be expected to accept.

Note to Article 296 } (d) An appointment is suitable even when accompanied with some temporary loss.

Article 300

(C) A Gazetted Officer who belongs to the Public Service, apart from his particular local appointment, cannot obtain a Compensation pension on the abolition of a particular appointment.

2 These principles are inapplicable to my Case; and Even, if applicable, only serve to support it. Under principle (C) above, it was neither reasonable nor equitable to have expected me to accept Rs 450 and personal allowance of Rs 50 in lieu of a grade rising to Rs 600, my actual pay at the time of the order having been Rs 480 and my Service after attaining to it having been 4 months up to 1.7.1906 when the Change affected me.

That there has not been a mere temporary loss in my Case is shown by the fact that it has taken nearly five years for me to temporarily reach the pay of Rs 500 as a Senior Assistant Commissioner.

Therefore my grade pay should have been given to me at least in the shape
of

of personal allowance as follows: -

Rs 40: from 29.2.1907 to 29.2.1908

Rs 80: from 29.2.1908 to 29.2.1909

Rs 120: from 29.2.1909 to 29.2.1910

and onwards.

3. But these principles under which some temporary loss could be justified are altogether inapplicable to my case for the following reasons: -

(a) The appointment of Registrar that I held was not abolished within the meaning of article 296 since the reduction of its pay did not form "part of a general scheme of revision". This post was outside the pale of the Civil Service up to 1906; and even after its reorganization in 1906, it continued as such. It had therefore no connection at all with the general revision of the Civil Service and cannot therefore be deemed to have been a part of the revision as contemplated in Article 296.

(b) Secondly these principles would apply to an officer who was or could be discharged on pension; but discharge in my case was inadmissible under article 300 since I was a Gazetted officer belonging to the public service, apart from my particular local appointment of Registrar.

(c) Lastly they, further, apply to only a case where the pay of the appointment is reduced rendering it impossible for its holder to draw the former higher pay. But in the present case, this is not what happened since the pay of the appointment was 300-30-600 while its holder had the grade of 400-40-600. The further reduction of the pay of the appointment in 1906 did not therefore, lead to the inevitable consequence apprehended by article 296. I held the post notwithstanding the lower scale of its ordinary pay and I could have unobjectionably continued to hold it despite its further lowering.

4. The only other provision having relation to this Case is Article 94 which provides "the incumbent of an appointment, the pay of which is changed, shall be treated as if he were transferred to a new appointment on the new pay; provided that, if he prefers to retain his old pay, the Government may allow him to do so, postponing the change of the pay of the appointment till he vacates office". This principle at least should have been applied to my Case, as has been quite recently done in connection with the reorganization of the Engineering and Medical Services. Vide the following orders of Government.

(a) N^o. G 4397-9-G.m 237-08-1 Dated 29th January 1909, para 10, dealing with P. W. Department. (Extract Enclosure I) and

(b) N^o. 3181-2 Med: 128-10-5 Dated the 3^d November 1911 para 2 dealing with the Medical Department (Extract Enclosure II)

Here, one circumstance in particular deserves to be noted. When the two Superintending Engineerings

Engineerships were ordered to be abolished in the first order quoted above, effect was not given to it until 31. 10. 09, though both the holders of the offices were merely officiating. And neither of them suffered pecuniarily even when the abolition became a settled fact.

5. In these circumstances and for the additional reasons that the grade of 400-40-600 had been conferred on me personally and that it was for services already done, the pay itself should have been continued to me. For this course was adopted by His Highness's Government in two recent cases comparatively weak, to which preference will now be made:-

A. The first relates to Mr. T. R. Venkataswami Naidu, now Circle Inspector at Bangalore.

The facts are as follow: -

- (i) He was appointed Professor of Mathematics Mah arajas' College, Mysore and promoted from class BI to class A II of the Education Service with effect from the 8th December 1906. (Vide Notification

N^o. $\frac{8138}{333}$ - 06 - 2 Dated the 13th March 1907). A II grade is 400-50-700; but Mr. Venkataswami Naidu was started on Rs 550 in that grade Vide $\frac{8136-07}{333}$ - 06 - 1 Dated 12th March 1907, to the D.G. of Education).

(II) In Government Order N^o. 6298-9 Education 154-08-5 Dated the 7th January 1909 Mr. T. R. Venkata - Swami Naidu was transferred from the Mysore College to Bangalore as Circle Inspector "on his present pay" which was 650 per mensem.

(III) In Government Proceedings N^o. 8441-2-272-08-2 Education Dated 1st March 1909 the Government were pleased to rule that Mr. T. R. Venkata - Swami Naidu's pay should be regarded as personal to him and not as the pay of Circle Inspectorship and that a note should accordingly be made in the Civil list and in the Departmental Schedules.

Here there was a change of appointment Combined with a change of duties, the grade pay of the Circle Inspectorship being lower ^{vs} 300-40-500

And

And further the grade of 400-50-700 had not been expressly declared to be personal to Mr. Vankata-swarani Naidu in Government Order quoted in Clause (1) preceding. Yet the same higher grade was continued in his case whereby he was enabled to reach the maximum.

B. The other case relates to Mr. B. Krishna Rao who is now the Health Officer in charge of the Ellyson District. The facts are as follow: —

(i) The Sanitary Department was organized by Government Order N^o 1378-92 San: 93-06-8 dated 10.8.1907, wherein the grade of a Divisional ^{Sanitary} Officer was fixed at 250- $\frac{50}{2}$ -400. Only one division was created to begin with and Mr. B. Krishna Rao was appointed to it at Shimoga in Government Order N^o 4971-261-07-2 dated 29.11.1907.

(ii) It was abolished in revision on 26.1.1910. Vide Government Order N^o 6327-38-San: 139-08-8 dated 26.1.10. and Mr. Krishna Rao was appointed as District Sanitary Officer of Ellyson without prejudice to his pay.

(iii) But the grade ^{pay} of a District Sanitary Officer

Officer is only Rs 150-10-250 whereas Mr. Krishna Rao who had just begun to draw Rs 350 in the Divisional Officers Grade, was allowed to earn the maximum after nearly two years' Service as District Sanitary Officer.

and (IV) Owing apparently to a technical objection, he was styled as Health Officer in Charge of the Mysore District in Government Order No. 9951-63-San:153-09-2 Dated 4.5.1910; but there is no such appointment for a District in the scale which provides for only three Health Officers on 250-50-400 for the Cities of Bangalore, Mysore and Kolar Good Fields respectively.

Hence it will be evident that the post itself was wholly abolished within the meaning of Article 296; that the District Sanitary Officer's duties and responsibilities are manifestly lighter and easier; and that the character, area and the volume of work materially changed. Yet the grade pay itself was continued.

6. Notwithstanding these precedents, my humble Memorial does not ask for the balance of my grade as pay but only as personal allowance.

7. As regards the probable objection of delay against the claim, the following observations may be kindly noted besides those urged in the Memorial.

(a) Mine was the first Case in which a grade once given was taken away.

The future policy of the Government had to be awaited; and the Cases quoted in para 5 above occurred only between March 1909 and November 1911.

(b) My nominal promotion to the Senior Assistant Commissioners' grade, notified on 13th March 1912, afforded a proper occasion for a representation of my Case.

(c) Lastly, in Government proceedings

No. FL 3778-823 dated the 12th March 1912,
S & A, 12.11.59.

it is said as follows: —

" The Government are quite willing to Consider and admit Claims against them however old provided the correctness
of

of the claim can be satisfactorily
Established."

Respectfully Submitted.

D. M. Narasinga Rao

Subordinate Judge of Mysore.

16th April 1912

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compu

2791

587462-11

9 12-11-12

File No. 39-11.
Serial No. 76.

Diary No. of letter replied to

Proceedings of the Government of His Highness
the Maharaja of Mysore.

GENERAL AND REVENUE
SECRETARIAT.

()

READ—

Letter No. 3617-266 dated the

, the

19

Date of issue 7-11-12

Signed by

M. B. R. Ramaswami

23rd March 1912 from the Registrar of
the Chief Court forwarding a memorial
from Mr. D. M. Narasingappa B.A., B.L.,

Subordinate Judge, Rayachoti, representing
the prejudice against which his
~~ORDER THEREON. No.~~

~~the prejudicial effect which his~~
transfer ^{in 1906} to the Judicial Dept. as
Subordinate Judge on a pay of Rs. 50

with a personal allowance of Rs. 50
~~and the several disadvantages which have~~
~~looked~~ on his position and prospects

P.T. over.

SUBJECT.

was requesting that he may be
franked the arrears of emoluments due to
him, under the special grade of Rs 400-4-600
sanctioned to him as Registrar of the Genl. Sec.
Secy, up to the 24th June 1911 when he
was promoted to the rank of Senior Asst.
Secy, and a personal allowance
of Rs 200 per mensem from that date.

2 - Further representation
on the subject from Mr. Narasimha
forwarded by Mr. R-B. Plummer, Dist.
Sessions Judge, Mysore, with his demer-
it note dated the 14th April 1912.

P.O., Mysore No. 2436-7 & 7th November 1912

In consideration of the
facts represented by Mr. D.M. Narasimha.
The Govt. are pleased to sanction to
him a personal allowance of Rs 100 per
mensem in addition to his pay, ^{of Rs 500/-} as
acting Senior Assistant Commr. with
effect from the 24th June 1911, the said
personal allowance being reduced and
initially absorbed ^{in his pay} as the increments are
granted ^{by Mr. D.M. Narasimha} in the Senior Asst. Commr's grade.

6/11/12

24/10/12

16.10.12.
The Registrar, Chief Secy.
The Comptroller and Prov. II

Copy to Prov. III. Secy